

EXHIBIT A

1 Seth M. Sproul (CA SBN 217711);
2 *sproul@fr.com*
3 Jeffrey H. Burton (CA SBN 328305);
4 *burton@fr.com*
5 FISH & RICHARDSON P.C.
6 12860 El Camino Real, Suite 400
7 San Diego, CA 92130
8 Telephone: (858) 678-5070
9 Facsimile: (858) 678-5099

10 James R. Sigel (CA SBN 288478);
11 *jsigel@mofo.com*
12 Joel F. Wacks (CA SBN 326561);
13 *jwacks@mofo.com*
14 MORRISON & FOERSTER LLP
15 425 Market St.
16 San Francisco, CA 94105
17 Telephone: (415) 268-7000
18 Facsimile: (415) 268-7522

19 Attorneys for Respondent,
20 APPLE INC.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 (SAN JOSE DIVISION)

24 CPC PATENT TECHNOLOGIES PTY LTD.,

25 Petitioner,

26 v.

27 APPLE INC.,

28 Respondent.

Case No. 4:21-mc-80091-JST

**APPLE INC.'S OBJECTIONS AND
RESPONSES TO CPC PATENT
TECHNOLOGIES PTY LTD. SUBPOENA
TO PRODUCE DOCUMENTS**

Pursuant to Rules 26 and 45 of the Federal Rules of Civil Procedure, Apple Inc. (“Apple”) hereby serves the following objections and responses to CPC Patent Technologies Pty Ltd.’s (“CPC”) Subpoena to Produce Document, Information, or Objects or to Permit Inspection of a Premises in a Civil Action (the “Subpoena”). As stated in Apple’s e-mail dated October 25, 2023, CPC’s attempt at service of the Subpoena on October 20, 2023, was deficient because (i) the Subpoena did not reference any documents for production, nor did it reference the attached Exhibit A, and (ii) the date of compliance listed in the Subpoena was October 20, 2023, the date of service. Apple asked that CPC fix the deficiencies in re-serve the Subpoena, but CPC did not do so. Apple maintains the Subpoena is deficient for these reasons.

RESERVATION OF RIGHTS

The following objections and responses are based on Apple’s current knowledge, information and belief after making a reasonable inquiry within the time allotted by the Subpoena. Apple’s investigation into this matter is ongoing, and it is willing to meet and confer with CPC regarding the scope of the information sought. Apple reserves the right to supplement its objections and responses to the Subpoena to the extent additional or different information becomes available. Nothing in these objections or responses should be construed as a waiver of any rights of Apple under applicable rules and governing laws. Any documents provided in response to the Subpoena will be made pursuant to the Modified Protective Order (Dkt. 55) entered in the underlying *ex parte* petition for judicial assistance, with Apple reserving the right to request supplemental protections.

Nothing in these responses shall be deemed an admission by Apple regarding the existence of any information, or the relevance or admissibility of any information, for any purpose, or the truth or accuracy of any statement or characterization contained in any of CPC’s Requests. In responding to CPC’s Requests, Apple does not waive any objection on the grounds of privilege, competency, relevance, materiality, authenticity, or admissibility of the information contained in these responses.

Any statement by Apple indicating its agreement to produce any category of information or documents is not a representation that any such documents or information in that category actually

1 exist in Apple's possession, custody, or control, or can be located through a reasonable search, or
 2 that such documents or information are relevant or admissible.

3 Apple objects to the Subpoena and the Requests to the extent they require production of
 4 information that may be subject to export controls or other such limitations on the transmission of
 5 sensitive information outside of the United States.

6 **SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**

7 Apple objects and responds as follows:

8 **REQUEST NO. 1:**

9 Documents sufficient to describe the storage of enrolled fingerprint data in the iPhone
 10 models and Apple laptop computers equipped with Touch ID (collectively "Apple Touch ID
 11 Devices").

12 **RESPONSE TO REQUEST NO. 1:**

13 Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against
 14 granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265
 15 (2004). Apple will soon file a Notice of Appeal regarding the Court's January 3, 2023 and October
 16 11, 2023 Orders (Dkts. 46, 63).

17 Apple objects to this Request to the extent it requires the production of source code or other
 18 highly confidential technical documentation.

19 Apple objects to this Request to the extent it seeks information that is available from public
 20 sources. Apple refers to its Apple Platform Security Guide whitepaper, at
 21 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
 22 indicated whether additional information is required beyond that which is publicly available.

23 Apple objects to this Request to the extent it seeks information protected from discovery by
 24 the attorney-client privilege, work product doctrine or immunity, common legal interest privilege,
 25 joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to
 26 this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the
 27 needs of the case with respect to "storage of enrolled fingerprint data in the iPhone models and
 28 Apple laptop computers equipped with Touch ID" and "Apple Touch ID Devices." Apple further

1 objects to this Request, which uses the phrase “documents sufficient to show,” because it is
2 “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5 at 3. Apple further
3 objects to this Request to the extent it seeks documents concerning unannounced products. Apple
4 further objects to this Request to the extent it is not bounded by any relevant time period or
5 geographic scope. Apple further objects to this Request to the extent it seeks the production of
6 documents that are not maintained or created by Apple in the ordinary course of business.

7 Subject to and without waiving any of its objections, and to the extent Apple understands
8 this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of
9 this Request and to discuss the production of documents pursuant to the procedures set forth in the
10 Modified Protective Order (Dkt. 55).

11 **REQUEST NO. 2:**

12 Documents sufficient to describe the manner of communicating fingerprint data from the
13 touch sensor to the Secure Enclave of the Apple Touch ID Devices, including an identification of
14 the components of such devices in such communication path.

15 **RESPONSE TO REQUEST NO. 2:**

16 Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against
17 granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265
18 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October
19 11, 2023 Orders (Dkts. 46, 63).

20 Apple objects to this Request to the extent it requires the production of source code or other
21 highly confidential technical documentation.

22 Apple objects to this Request to the extent it seeks information that is available from public
23 sources. Apple refers to its Apple Platform Security Guide whitepaper, at
24 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
25 indicated whether additional information is required beyond that which is publicly available.

26 Apple objects to this Request to the extent it seeks information protected from discovery by
27 the attorney-client privilege, work product doctrine or immunity, common legal interest privilege,
28 joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to

1 this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the
2 needs of the case with respect to “the manner of communicating fingerprint data from the touch
3 sensor to the Secure Enclave,” “Apple Touch ID Devices,” and “identification of the components
4 of such devices in such communication path.” Apple further objects to this Request, which uses the
5 phrase “documents sufficient to show,” because it is “undefined and is likely to lead to unduly
6 burdensome discovery.” *See* Dkt. 5 at 3. Apple further objects to this Request to the extent it seeks
7 documents concerning unannounced products. Apple further objects to this Request to the extent it
8 is not bounded by any relevant time period or geographic scope. Apple further objects to this
9 Request to the extent it seeks the production of documents that are not maintained or created by
10 Apple in the ordinary course of business.

11 Subject to and without waiving any of its objections, and to the extent Apple understands
12 this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of
13 this Request and to discuss the production of documents pursuant to the procedures set forth in the
14 Modified Protective Order (Dkt. 55).

15 **REQUEST NO. 3:**

16 Documents sufficient to describe the steps to perform the fingerprint matching in Apple
17 Touch ID.

18 **RESPONSE TO REQUEST NO. 3:**

19 Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against
20 granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265
21 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October
22 11, 2023 Orders (Dkts. 46, 63).

23 Apple objects to this Request to the extent it requires the production of source code or other
24 highly confidential technical documentation.

25 Apple objects to this Request to the extent it seeks information that is available from public
26 sources. Apple refers to its Apple Platform Security Guide whitepaper, at
27 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
28 indicated whether additional information is required beyond that which is publicly available.

Apple objects to this Request to the extent it seeks information protected from discovery by the attorney-client privilege, work product doctrine or immunity, common legal interest privilege, joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case with respect to “the steps to perform the fingerprint matching in Apple Touch ID.” Apple further objects to this Request, which uses the phrase “documents sufficient to show,” because it is “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5 at 3. Apple objects to this Request to the extent it seeks documents concerning unannounced products. Apple further objects to this Request to the extent it is not bounded by any relevant time period or geographic scope. Apple further objects to this Request to the extent it seeks the production of documents that are not maintained or created by Apple in the ordinary course of business.

Subject to and without waiving any of its objections, and to the extent Apple understands this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of this Request and to discuss the production of documents pursuant to the procedures set forth in the Modified Protective Order (Dkt. 55).

REQUEST NO. 4:

Documents sufficient to describe the communication to the Secure Element of the Apple Touch ID Devices upon a successful fingerprint match, including an identification of the components of such devices in such communication path.

RESPONSE TO REQUEST NO. 4:

Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October 11, 2023 Orders (Dkts. 46, 63).

Apple objects to this Request to the extent it requires the production of source code or other highly confidential technical documentation.

Apple objects to this Request to the extent it seeks information that is available from public sources. Apple refers to its Apple Platform Security Guide whitepaper, at

1 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
2 indicated whether additional information is required beyond that which is publicly available.

3 Apple objects to this Request to the extent it seeks information protected from discovery by
4 the attorney-client privilege, work product doctrine or immunity, common legal interest privilege,
5 joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to
6 this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the
7 needs of the case with respect to “the communication to the Secure Element ... upon a successful
8 fingerprint match,” “Apple Touch ID Devices,” and “an identification of the components of such
9 devices in such communication path.” Apple further objects to this Request, which uses the phrase
10 “documents sufficient to show,” because it is “undefined and is likely to lead to unduly burdensome
11 discovery.” See Dkt. 5 at 3. Apple objects to this Request to the extent it seeks documents
12 concerning unannounced products. Apple further objects to this Request to the extent it is not
13 bounded by any relevant time period or geographic scope. Apple further objects to this Request to
14 the extent it seeks the production of documents that are not maintained or created by Apple in the
15 ordinary course of business.

16 Subject to and without waiving any of its objections, and to the extent Apple understands
17 this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of
18 this Request and to discuss the production of documents pursuant to the procedures set forth in the
19 Modified Protective Order (Dkt. 55).

20 **REQUEST NO. 5:**

21 Documents sufficient to describe the collection and storage of enrolled facial data utilized in
22 iPhone models and Apple laptop computers equipped with Face ID (collectively “Apple Face ID
23 Devices”), including an identification of the components involved of such devices in such storage,
24 and the location of such storage.

25 **RESPONSE TO REQUEST NO. 5:**

26 Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against
27 granting relief under § 1782. See *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265
28

(2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October 11, 2023 Orders (Dkts. 46, 63).

Apple objects to this Request to the extent it requires the production of source code or other highly confidential technical documentation.

Apple objects to this Request to the extent it seeks information that is available from public sources. Apple refers to its Apple Platform Security Guide whitepaper, at https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not indicated whether additional information is required beyond that which is publicly available.

Apple objects to this Request to the extent it seeks information protected from discovery by the attorney-client privilege, work product doctrine or immunity, common legal interest privilege, joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case with respect to “the collection and storage of enrolled facial data utilized in iPhone models and Apple laptop computers,” “Apple Face ID Devices,” and “including an identification of the components involved of such devices in such storage, and the location of such storage.” Apple further objects to this Request, which uses the phrase “documents sufficient to show,” because it is “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5 at 3. Apple objects to this Request to the extent it seeks documents concerning unannounced products. Apple further objects to this Request to the extent it is not bounded by any relevant time period or geographic scope. Apple further objects to this Request to the extent it seeks the production of documents that are not maintained or created by Apple in the ordinary course of business.

Subject to and without waiving any of its objections, and to the extent Apple understands this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of this Request and to discuss the production of documents pursuant to the procedures set forth in the Modified Protective Order (Dkt. 55).

REQUEST NO. 6:

Documents sufficient to describe the steps to perform the facial data matching in Apple Face ID.

RESPONSE TO REQUEST NO. 6:

Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October 11, 2023 Orders (Dkts. 46, 63).

Apple objects to this Request to the extent it requires the production of source code or other highly confidential technical documentation.

Apple objects to this Request to the extent it seeks information that is available from public sources. Apple refers to its Apple Platform Security Guide whitepaper, at https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not indicated whether additional information is required beyond that which is publicly available.

Apple objects to this Request to the extent it seeks information protected from discovery by the attorney-client privilege, work product doctrine or immunity, common legal interest privilege, joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case with respect to “the steps to perform the facial data matching in Apple Face ID.” Apple further objects to this Request, which uses the phrase “documents sufficient to show,” because it is “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5 at 3. Apple further objects to this Request to the extent it seeks documents concerning unannounced products. Apple further objects to this Request to the extent it is not bounded by any relevant time period or geographic scope. Apple further objects to this Request to the extent it seeks the production of documents that are not maintained or created by Apple in the ordinary course of business.

Subject to and without waiving any of its objections, and to the extent Apple understands this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of this Request and to discuss the production of documents pursuant to the procedures set forth in the Modified Protective Order (Dkt. 55).

REQUEST NO. 7:

Documents sufficient to describe the manner in which a successful facial data match is communicated to the Secure Element of the Apple Face ID Devices.

RESPONSE TO REQUEST NO. 7:

Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October 11, 2023 Orders (Dkts. 46, 63).

Apple objects to this Request to the extent it requires the production of source code or other highly confidential technical documentation.

Apple objects to this Request to the extent it seeks information that is available from public sources. Apple refers to its Apple Platform Security Guide whitepaper, at https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not indicated whether additional information is required beyond that which is publicly available.

Apple objects to this Request to the extent it seeks information protected from discovery by the attorney-client privilege, work product doctrine or immunity, common legal interest privilege, joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to this Request vague, ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case with respect to “the manner in which a successful facial data match is communicated to the Secure Element” and “Apple Face ID Devices.” Apple further objects to this Request, which uses the phrase “documents sufficient to show,” because it is “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5 at 3. Apple further objects to this Request to the extent it seeks documents concerning unannounced products. Apple further objects to this Request to the extent it is not bounded by any relevant time period or geographic scope. Apple further objects to this Request to the extent it seeks the production of documents that are not maintained or created by Apple in the ordinary course of business.

Subject to and without waiving any of its objections, and to the extent Apple understands this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of

1 this Request and to discuss the production of documents pursuant to the procedures set forth in the
2 Modified Protective Order (Dkt. 55).

3 **REQUEST NO. 8:**

4 Documents sufficient to describe the role of the Application Processor in the functionality
5 of Apple Touch ID.

6 **RESPONSE TO REQUEST NO. 8:**

7 Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against
8 granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265
9 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October
10 11, 2023 Orders (Dkts. 46, 63).

11 Apple objects to this Request to the extent it requires the production of source code or other
12 highly confidential technical documentation.

13 Apple objects to this Request to the extent it seeks information that is available from public
14 sources. Apple refers to its Apple Platform Security Guide whitepaper, at
15 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
16 indicated whether additional information is required beyond that which is publicly available.

17 Apple objects to this Request to the extent it seeks information protected from discovery by
18 the attorney-client privilege, work product doctrine or immunity, common legal interest privilege,
19 joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to
20 this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the
21 needs of the case with respect to “the role of the Application Processor in the functionality of Apple
22 Touch ID.” Apple further objects to this Request, which uses the phrase “documents sufficient to
23 show,” because it is “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5
24 at 3. Apple objects to this Request to the extent it seeks documents concerning unannounced
25 products. Apple further objects to this Request to the extent it is not bounded by any relevant time
26 period or geographic scope. Apple further objects to this Request to the extent it seeks the
27 production of documents that are not maintained or created by Apple in the ordinary course of
28 business.

1 Subject to and without waiving any of its objections, and to the extent Apple understands
 2 this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of
 3 this Request and to discuss the production of documents pursuant to the procedures set forth in the
 4 Modified Protective Order (Dkt. 55).

5 **REQUEST NO. 9:**

6 Documents sufficient to describe the role of the Application Processor in the functionality
 7 of Apple Face ID.

8 **RESPONSE TO REQUEST NO. 9:**

9 Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against
 10 granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265
 11 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October
 12 11, 2023 Orders (Dkts. 46, 63).

13 Apple objects to this Request to the extent it requires the production of source code or other
 14 highly confidential technical documentation.

15 Apple objects to this Request to the extent it seeks information that is available from public
 16 sources. Apple refers to its Apple Platform Security Guide whitepaper, at
 17 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
 18 indicated whether additional information is required beyond that which is publicly available.

19 Apple objects to this Request to the extent it seeks information protected from discovery by
 20 the attorney-client privilege, work product doctrine or immunity, common legal interest privilege,
 21 joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to
 22 this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the
 23 needs of the case with respect to “the role of the Application Processor in the functionality of Apple
 24 Face ID.” Apple further objects to this Request, which uses the phrase “documents sufficient to
 25 show,” because it is “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5
 26 at 3. Apple further objects to this Request to the extent it seeks documents concerning unannounced
 27 products. Apple further objects to this Request to the extent it is not bounded by any relevant time
 28 period or geographic scope. Apple further objects to this Request to the extent it seeks the

1 production of documents that are not maintained or created by Apple in the ordinary course of
2 business.

3 Subject to and without waiving any of its objections, and to the extent Apple understands
4 this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of
5 this Request and to discuss the production of documents pursuant to the procedures set forth in the
6 Modified Protective Order (Dkt. 55).

7 **REQUEST NO. 10:**

8 Documents sufficient to describe the role of the Secure Enclave in the functionality of the
9 Apple Touch ID.

10 **RESPONSE TO REQUEST NO. 10:**

11 Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against
12 granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265
13 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October
14 11, 2023 Orders (Dkts. 46, 63).

15 Apple objects to this Request to the extent it requires the production of source code or other
16 highly confidential technical documentation.

17 Apple objects to this Request to the extent it seeks information that is available from public
18 sources. Apple refers to its Apple Platform Security Guide whitepaper, at
19 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
20 indicated whether additional information is required beyond that which is publicly available.

21 Apple objects to this Request to the extent it seeks information protected from discovery by
22 the attorney-client privilege, work product doctrine or immunity, common legal interest privilege,
23 joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to
24 this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the
25 needs of the case with respect to “the role of the Secure Enclave in the functionality of the Apple
26 Touch ID.” Apple further objects to this Request, which uses the phrase “documents sufficient to
27 show,” because it is “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5
28 at 3. Apple further objects to this Request to the extent it seeks documents concerning unannounced

1 products. Apple further objects to this Request to the extent it is not bounded by any relevant time
2 period or geographic scope. Apple further objects to this Request to the extent it seeks the
3 production of documents that are not maintained or created by Apple in the ordinary course of
4 business.

5 Subject to and without waiving any of its objections, and to the extent Apple understands
6 this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of
7 this Request and to discuss the production of documents pursuant to the procedures set forth in the
8 Modified Protective Order (Dkt. 55).

9 **REQUEST NO. 11:**

10 Documents sufficient to describe the role of the Secure Enclave in the functionality of the
11 Apple Face ID.

12 **RESPONSE TO REQUEST NO. 11:**

13 Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against
14 granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265
15 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October
16 11, 2023 Orders (Dkts. 46, 63).

17 Apple objects to this Request to the extent it requires the production of source code or other
18 highly confidential technical documentation.

19 Apple objects to this Request to the extent it seeks information that is available from public
20 sources. Apple refers to its Apple Platform Security Guide whitepaper, at
21 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
22 indicated whether additional information is required beyond that which is publicly available.

23 Apple objects to this Request to the extent it seeks information protected from discovery by
24 the attorney-client privilege, work product doctrine or immunity, common legal interest privilege,
25 joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to
26 this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the
27 needs of the case with respect to “the role of the Secure Enclave in the functionality of the Apple
28 Face ID.” Apple further objects to this Request, which uses the phrase “documents sufficient to

1 show,” because it is “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5
2 at 3. Apple further objects to this Request to the extent it seeks documents concerning unannounced
3 products. Apple further objects to this Request to the extent it is not bounded by any relevant time
4 period or geographic scope. Apple further objects to this Request to the extent it seeks the
5 production of documents that are not maintained or created by Apple in the ordinary course of
6 business.

7 Subject to and without waiving any of its objections, and to the extent Apple understands
8 this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of
9 this Request and to discuss the production of documents pursuant to the procedures set forth in the
10 Modified Protective Order (Dkt. 55).

11 **REQUEST NO. 12:**

12 Documents sufficient to describe the role of the Neural Engine in the functionality of Apple
13 Touch ID.

14 **RESPONSE TO REQUEST NO. 12:**

15 Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against
16 granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265
17 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October
18 11, 2023 Orders (Dkts. 46, 63).

19 Apple objects to this Request to the extent it requires the production of source code or other
20 highly confidential technical documentation.

21 Apple objects to this Request to the extent it seeks information that is available from public
22 sources. Apple refers to its Apple Platform Security Guide whitepaper, at
23 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
24 indicated whether additional information is required beyond that which is publicly available.

25 Apple objects to this Request to the extent it seeks information protected from discovery by
26 the attorney-client privilege, work product doctrine or immunity, common legal interest privilege,
27 joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to
28 this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the

1 needs of the case with respect to “the role of the Neural Engine in the functionality of Apple Touch
2 ID.” Apple further objects to this Request, which uses the phrase “documents sufficient to show,”
3 because it is “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5 at 3.
4 Apple further objects to this Request to the extent it seeks documents concerning unannounced
5 products. Apple further objects to this Request to the extent it is not bounded by any relevant time
6 period or geographic scope. Apple further objects to this Request to the extent it seeks the
7 production of documents that are not maintained or created by Apple in the ordinary course of
8 business.

9 Subject to and without waiving any of its objections, and to the extent Apple understands
10 this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of
11 this Request and to discuss the production of documents pursuant to the procedures set forth in the
12 Modified Protective Order (Dkt. 55).

13 **REQUEST NO. 13:**

14 Documents sufficient to describe the role of the Neural Engine in the functionality of Apple
15 Face ID.

16 **RESPONSE TO REQUEST NO. 13:**

17 Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against
18 granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265
19 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October
20 11, 2023 Orders (Dkts. 46, 63).

21 Apple objects to this Request to the extent it requires the production of source code or other
22 highly confidential technical documentation.

23 Apple objects to this Request to the extent it seeks information that is available from public
24 sources. Apple refers to its Apple Platform Security Guide whitepaper, at
25 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
26 indicated whether additional information is required beyond that which is publicly available.

27 Apple objects to this Request to the extent it seeks information protected from discovery by
28 the attorney-client privilege, work product doctrine or immunity, common legal interest privilege,

1 joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to
2 this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the
3 needs of the case with respect to “the role of the Neural Engine in the functionality of Apple Touch
4 ID.” Apple further objects to this Request, which uses the phrase “documents sufficient to show,”
5 because it is “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5 at 3.
6 Apple further objects to this Request to the extent it seeks documents concerning unannounced
7 products. Apple further objects to this Request to the extent it is not bounded by any relevant time
8 period or geographic scope. Apple further objects to this Request to the extent it seeks the
9 production of documents that are not maintained or created by Apple in the ordinary course of
10 business.

11 Subject to and without waiving any of its objections, and to the extent Apple understands
12 this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of
13 this Request and to discuss the production of documents pursuant to the procedures set forth in the
14 Modified Protective Order (Dkt. 55).

15 **REQUEST NO. 14:**

16 Documents sufficient to describe the device unlocking function in the Apple Touch ID
17 Devices, including an identification of the components of such devices involved in such function.

18 **RESPONSE TO REQUEST NO. 14:**

19 Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against
20 granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265
21 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October
22 11, 2023 Orders (Dkts. 46, 63).

23 Apple objects to this Request to the extent it requires the production of source code or other
24 highly confidential technical documentation.

25 Apple objects to this Request to the extent it seeks information that is available from public
26 sources. Apple refers to its Apple Platform Security Guide whitepaper, at
27 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
28 indicated whether additional information is required beyond that which is publicly available.

Apple objects to this Request to the extent it seeks information protected from discovery by the attorney-client privilege, work product doctrine or immunity, common legal interest privilege, joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case with respect to “the device unlocking function,” “Apple Touch ID Devices,” and “including an identification of the components of such devices involved in such function.” Apple further objects to this Request, which uses the phrase “documents sufficient to show,” because it is “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5 at 3. Apple further objects to this Request to the extent it seeks documents concerning unannounced products. Apple further objects to this Request to the extent it is not bounded by any relevant time period or geographic scope. Apple further objects to this Request to the extent it seeks the production of documents that are not maintained or created by Apple in the ordinary course of business.

Subject to and without waiving any of its objections, and to the extent Apple understands this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of this Request and to discuss the production of documents pursuant to the procedures set forth in the Modified Protective Order (Dkt. 55).

REQUEST NO. 15:

Documents sufficient to describe the device unlocking function in the Apple Face ID Devices, including an identification of the components of such devices involved in such function.

RESPONSE TO REQUEST NO. 15:

Apple objects to this Subpoena because the four discretionary *Intel* factors weigh against granting relief under § 1782. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 264, 265 (2004). Apple will soon file a Notice of Appeal regarding the Court’s January 3, 2023 and October 11, 2023 Orders (Dkts. 46, 63).

Apple objects to this Request to the extent it requires the production of source code or other highly confidential technical documentation.

Apple objects to this Request to the extent it seeks information that is available from public sources. Apple refers to its Apple Platform Security Guide whitepaper, at

1 https://help.apple.com/pdf/security/en_US/apple-platform-security-guide.pdf. CPC has not
2 indicated whether additional information is required beyond that which is publicly available.

3 Apple objects to this Request to the extent it seeks information protected from discovery by
4 the attorney-client privilege, work product doctrine or immunity, common legal interest privilege,
5 joint defense privilege, and/or any other applicable privilege or protection. Apple further objects to
6 this Request as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the
7 needs of the case with respect to “the device unlocking function,” “Apple Face ID Devices,” and
8 “an identification of the components of such devices involved in such function.” Apple further
9 objects to this Request, which uses the phrase “documents sufficient to show,” because it is
10 “undefined and is likely to lead to unduly burdensome discovery.” *See* Dkt. 5 at 3. Apple objects
11 to this Request to the extent it seeks documents concerning unannounced products. Apple further
12 objects to this Request to the extent it is not bounded by any relevant time period or geographic
13 scope. Apple further objects to this Request to the extent it seeks the production of documents that
14 are not maintained or created by Apple in the ordinary course of business.

15 Subject to and without waiving any of its objections, and to the extent Apple understands
16 this Request, Apple responds as follows: Apple is willing to meet and confer regarding the scope of
17 this Request and to discuss the production of documents pursuant to the procedures set forth in the
18 Modified Protective Order (Dkt. 55).

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21
22 Dated: November 7, 2023

FISH & RICHARDSON P.C.

23
24 By: /s/ Seth M. Sproul

25 Seth M. Sproul
26 Attorney for Respondent
27 APPLE INC.
28

CERTIFICATE OF SERVICE

I certify that on November 7, 2023, a true and correct copy of the foregoing was served on counsel of record for Plaintiff via electronic mail.

George C. Summerfield
James A. Shimota
K&L Gates LLP
70 W. Madison Street, Suite 3300
Chicago, IL 60602

Elizabeth Abbott Gilman
K & L Gates LLP
1000 Main, Suite 2550
Houston, TX 77002

Stewart Mesher
K & L Gates LLP
2801 Via Fortuna, Suite 350
Austin, TX 77002
Attorneys for
CPC Patent Technologies Pty Ltd.

Email Service List:
CPCCKLGUSService@klgates.com

/s/ Joy B. Kete

Joy B. Kete